

JAMES P. CRAWFORD

MAY 25, 1942.—Ordered to be printed

Mr. CAPPER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5013]

The Committee on Claims, to whom was referred the bill (H. R. 5013) for the relief of James P. Crawford, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 2004, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 2004, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5013) for the relief of James P. Crawford, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Line 3, strike out the figures "17" and insert in lieu thereof "15".

The purpose of the proposed legislation is to waive sections 15 to 20, inclusive, of the Employees' Compensation Commission Act of September 7, 1916, as amended, and to allow James P. Crawford the right to file claim for personal injuries sustained on January 5, 1940, while serving as assistant storekeeper, Soil Conservation Service, at Harrisonburg, Va., provided that no benefits shall accrue prior to the enactment of this act.

Your committee recommend the enactment of the bill, for the reason that it merely waives the time limitations of the Employees' Compensation Commission Act, and allows the claim of James P. Crawford to be received by the Commission and considered upon its merits. The facts will be found fully set forth in report from the Employees' Compensation Commission, dated June 30, 1941, which is appended hereto and made a part of this report, as follows:

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION,
Washington, June 30, 1941.

CHAIRMAN, COMMITTEE ON CLAIMS,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to your request for the Commission's report upon the bill H. R. 5013 for the relief of James P. Crawford. The bill provides:

"That sections 17 to 20, inclusive, of the act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the

performance of their duties, and for other purposes', approved September 7 1916, as amended (U. S. C., 1934 edition, title 5, secs. 767 and 770), are hereby waived in favor of James P. Crawford, who allegedly was injured and became disabled while in the performance of duty on January 5, 1940, while serving as assistant storekeeper of the Soil Conservation Service at Harrisonburg, Virginia, received a hernia while lifting a garage door and on January 16, 1940, was operated on in Georgetown Hospital, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than six months after the date of enactment of this Act."

It appears from an office memorandum that on May 19, 1941, Mr. James P. Crawford called at the offices of the Commission and made inquiry relative to his right to compensation for an injury he is alleged to have sustained on January 5, 1940, while employed by the Soil Conservation Service at Harrisonburg, Va., when he lifted a garage door and is alleged to have thereby sustained a hernia. The Commission has no other information regarding this case.

Since it did not appear that Mr. Crawford had filed written notice of the alleged injury or claim for compensation within 1 year from the date thereof, as required by the mandatory provisions of sections 15 to 20 of the Federal Employees' Compensation Act of September 7, 1916, the Commission was without authority of law to consider the merits of any claim he might have filed, and Mr. Crawford was so advised by letter dated May 20, 1941.

Since for the reason stated above the Commission has no authority to award compensation in this case, no inquiry was made relative to the merits of Mr. Crawford's case, and the Commission can, therefore, express no opinion thereon.

The proposed measure is apparently designed to waive in favor of Mr. James P. Crawford the bar of the time limitations in sections 17 to 20, both inclusive, of the Compensation Act of September 7, 1916, and to leave the Commission free to determine the merits of Mr. Crawford's claim, if filed not later than 6 months after the enactment of the bill, and to afford him such measure of relief as the facts, when established, may show him to be entitled to under the Compensation Act. It may be pointed out that the limitation provisions in the compensation law are contained in sections 15 to 20, inclusive. If the bill is to be favorably considered, it is suggested that the reference to section 17 in the bill be changed to read "section 15."

In view of the foregoing, the Commission makes no recommendation as to the advisability of the enactment of the bill H. R. 5013.

Very truly yours,

(Mrs.) JEWELL W. SWOFFORD, *Chairman.*

WASHINGTON, D. C., January 26, 1942.

The CLAIMS COMMITTEE,
House of Representatives, Washington, D. C.
(Attention Mr. Lee.)

GENTLEMEN: The following are the facts concerning my claim. While serving as assistant storekeeper of the Soil Conservation Service at Harrisonburg, Va., on January 5, 1940, in attempting to close the door to the warehouse entrance of the building, I ruptured myself, and about January 11, 1940, I had developed a double hernia. Not knowing of any Government hospital in the area, I decided to come to Washington for medical attention, expecting to pay the expenses personally. On the advice of my physician, Dr. Melville B. Fischer, I went into Georgetown Hospital for an operation which was performed by Dr. Fred R. Sanderson, on January 16, 1940. I remained in the hospital until February 7, 1940, when I was taken to my daughter's home, where I still remained in bed until mid-May of 1940.

In the meantime I received notice that the project on which I had been employed was closed out and I was furloughed for 6 months without pay, the furlough taking effect April 11, 1940. Having spent my earnings, in addition to approximately \$200 my daughter spent for nurses and hospital treatment for me, besides the care of my two minor children; and leaving \$105 for the physician's fee and \$100 surgeon's fee due, I had to resign in order to get my retirement fund to defray at least part of the expenses. After paying the final nurses' and hospital bills, I had only \$50 left of this retirement fund with which to pay the physician and

surgeon, to each of whom I paid \$25, leaving the respective balances of \$80 and \$75, which I have no way of paying. As I am still considered unfit for work and cannot get a job, I have been living on charity since July 12, 1941.

As stated by the Department of Agriculture, they did send me papers on which to file a claim. I think it was in April 1940, but I did not file the claim then, because first, I thought it was too late, and secondly, one of the forms calls for two witnesses. Therefore, since there were no witnesses to the accident, I did not consider the claim would be acceptable to the Compensation Commission, because I had been informed, or misinformed, that the Commission would not consider without such information. The accident happened after hours; therefore I was in the building alone, the circumstances being as follows:

I lived alone in a small hotel in Harrisonburg and ate my meals at a restaurant, so it was customary for me to stop for my supper on the way to my room every evening when I left work, and I was never in any particular hurry to get off from work. Since I was held responsible for all Government property in the building, it was my duty to see that the place was locked before I left, and since very often there were some automobiles out when the office closed at 5 p. m., I would wait around for them to return. This particular evening I was waiting, posting my property cards. When finished, shortly before 7 p. m., I went back through the garage to check and see if all cars and trucks were in. Finding that they were in, I proceeded to lock up the building for the night before I left. It was while closing this door that I received the injury and no witnesses were present.

To the best of my knowledge and belief, the foregoing statements are true, so help me God.

JAMES P. CRAWFORD.

WASHINGTON,
District of Columbia, ss:

Sworn and subscribed to before me, a notary public this 2d day of February 1942.

[SEAL]

WM. L. PETERS,
Notary Public, D. C.

My commission expires January 3, 1944.

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